

The Honorable Robert Lasnik

UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIKHADAR JAMA an individual, JEES
JEES, an individual, and MOHAMED
MOHAMED, an individual,

Plaintiffs,

vs.

GOLDEN GATE AMERICA LLC, a foreign
limited liability company and EAN HOLDINGS
LLC, ENTERPRISE HOLDINGS, INC., a
foreign corporation, and VANGUARD
AUTOMOTIVE GROUP, a foreign business
entity d/b/a NATIONAL CAR RENTAL,
ALAMO RENT A CAR, and ENTERPRISE
RENT-A-CAR,

Defendants.

No. 2:16-cv-00611 RSL

~~PROPOSED~~ ORDER GRANTING
CLASS COUNSELS' MOTION FOR
ATTORNEY'S FEES, COSTS AND
CLASS REPRESENTATIVES'
INCENTIVE AWARDS

Noting Date: July 31, 2018 at 10:30 a.m.

WHEREAS, Plaintiff have submitted authority and evidence supporting their Motion for
Award of Attorney's Fees and Expenses; and

WHEREAS, the Court, having considered the pleadings on file and being fully advised,
finds that good cause exists for entry of the Order below; now, therefore,

IT IS HEREBY FOUND, ORDERED, ADJUDGED, AND DECREED THAT:

1. Unless otherwise provided herein, all capitalized terms in this Order shall have
the same meaning as set forth in the Plaintiffs' Motion for Attorney's Fees and Expenses.

2. The Court having appointed Badgley Mullins Turner, PLLC and the Law Offices

1 of Daniel Whitmore as Class Counsel.

2 3. Class Counsel has requested the Court calculate their award using the percentage-
3 of-the-fund method. Class Counsel request the Court award 15% of the common fund as
4 attorney's fees and expenses \$180,000.00.

5 4. These requested attorney's fees are fair and reasonable under RCW 49.48.030 and
6 the Ordinance ("SeaTac Municipal Code Chapter 7.45") based on the percentage-of-the-fund
7 method. The Court reaches this conclusion after analyzing: (1) the results Class Counsel
8 achieved; (2) Class Counsels' risk in this litigation; (3) the complexity of the issues presented;
9 (4) the hours Class Counsel worked on the case; (5) Class Counsels' hourly rate; (6) the
10 contingent nature of the fee; and (7) awards made in similar cases.

11 5. Class Counsel has submitted authority and declarations to support the Court's
12 lodestar cross-check.

13 6. Class Counsel reasonably expended more than 295 hours on the investigation,
14 preparation, filing, and settlement of Plaintiffs' Claims. Their detailed time records are based on
15 contemporaneous records of hours worked. Class Counsel exercised billing judgment and billed
16 efficiently.

17 7. Class Counsels' hourly rates - \$565.00 for Duncan Turner, \$495.00 for Daniel
18 Whitmore, and \$310.00 for Mark Trivett - are reasonable hourly rates considering their
19 individual "experience, skill, and reputation," *see Trevino v. Gates*, 99 F.3d 911, 924 (9th Cir.
20 1996) and the prevailing market rates in this jurisdiction. *See Blum v. Stenson*, 465 U.S. 886, 895
21 (1984).

22 8. Applying these rates to the number of hours reasonable expended in litigation,
23 Class Counsels' lodestar is approximately \$131,768.29. This lodestar reflects work and
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1 expenses that was reasonable and necessarily expended on the pursuing Plaintiffs' claims and
2 that are estimated to occur in concluding the case.

3 9. Here, Plaintiffs pursued the action under a remedial Washington employment
4 statute and a local minimum wage ordinance. Class Counsel pursued this action on a contingency
5 fee basis and assumed the risk that if they were unsuccessful, they would receive no
6 compensation for their work on the certified questions or settlement negotiations. This action
7 was one of the first to seek recovery of wages owed under the Ordinance, and thus, the potential
8 existed for a long and protracted litigation as the Court addressed novel legal issues.

9
10 10. Class Counsel performed high-quality work, resulting in an extremely favorable
11 collective settlement for Class Members. Class Members recovered the entirety of their owed
12 wages arising under the Ordinance with interest. This is an excellent result for the Class.

13 11. Defendant agreed to pay \$1,200,000.00 to the Class Members, inclusive of any
14 attorney's fees and costs. The litigation expenses and costs incurred by Class Counsel were
15 reasonable, necessary, and appropriately documented in the declarations filed by Class Counsel.

16 12. This Court also awards \$3,000.00 to Plaintiffs Abdikhadar Jama, Jeess Jeess,
17 Mohamed Mohamed (\$1,000.00 individually for three Class Representatives) as an incentive
18 award for serving as the class representative.

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20 13. Based on the foregoing findings and analysis, the Court awards Class Counsel
21 \$180,000.00 in attorney's fees.

22 IT IS SO ORDERED this 31st day of July, 2018.

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24 

25 HON. ROBERT S. LASNIK
26 UNITED STATES DISTRICT COURT JUDGE

1 PRESENTED BY:

2 BADGLEY MULLINS TURNER PLLC

3 /s/ Duncan C. Turner

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